

---

JANUARY 24th, 1805.

---

## AMENDMENTS,

*PROPOSED in a committee of the whole House, to the bill "for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction."*

First amendment in lieu of the second section.

1     SEC. 2. *And be it further enacted,* That whensoever after the  
2     passage of this act any felony, misprision of felony, misdemeanor,  
3     or breach of peace, shall be committed within the body of a coun-  
4     ty in any one of the United States, and any process of law shall be  
5     issued under the authority of the state, for the purpose of arrest-  
6     ing the offender; if the said offender shall be on board of any  
7     foreign armed vessel, in any port or harbor of the United States,  
8     and within the jurisdiction of the state, in which the offence was  
9     committed, it shall be lawful for the Governor, or other supreme  
10    executive officer of the state, in which the said offence shall have  
11    been committed, upon due proof thereof, and upon his being sa-  
12    tisfied that the ordinary *posse comitatus* is insufficient to ensure the  
13    execution of the said process, to issue his order directed to any  
14    officer having command of regular troops, or armed vessel of

15 the United States in the vicinity, requiring him to aid the officer  
16 charged with the execution of the process, with all the force under  
17 his command or such part thereof as may be necessary, in arrest-  
18 ing the offender and all those giving him aid and countenance in  
19 resisting the civil authority. And if the said offender shall flee to  
20 any place beyond the jurisdiction of the state, and within the ex-  
21 clusive jurisdiction of the United States, the officer charged with  
22 the execution of the said process, shall be and he is hereby autho-  
23 rised to pursue the said offender into such place, taking with him  
24 if necessary the said armed force and there arrest him, in virtue of  
25 the said process. And if the said offender shall flee to and be on  
26 board of any foreign armed vessel being in any place beyond the  
27 jurisdiction of the state, and within the exclusive jurisdiction of  
28 the United States; the officer charged with the execution  
29 of the said process shall first demand the delivery of the said  
30 offender, of and from the person or persons having charge and  
31 command of the said foreign armed vessel, declaring the au-  
32 thority and cause for which the demand is made; and if the  
33 said offender be not delivered according to the said demand,  
34 or if the officer charged with the execution of the process, be  
35 obstructed in attempting to make the demand, then he shall use  
36 all the means in his power by force and arms, to enter on board of  
37 the said foreign armed vessel, there to search for and arrest the said  
38 offender, and all those who are with him giving him aid and  
39 countenance, in preventing and resisting the execution of the

40 said process, and the officer charged with the execution of the  
 41 said process, shall convey the said offender and deliver him over  
 42 to the civil authority of the state, to be dealt with according  
 43 to law; and all those arrested for being concerned in resist-  
 44 ing the execution of the process shall be delivered over to the  
 45 civil authority of the United States, and shall be punished  
 46 in the same manner as if they had been concerned in knowingly  
 47 and wilfully obstructing, resisting, or opposing any officer of  
 48 the United States, in serving or attempting to serve any warrant or  
 49 other legal or judicial writ issued under the authority of the United  
 50 States. But if any of those concerned in making the arrest be  
 51 killed in a place within the exclusive jurisdiction of the United  
 52 States, those engaged in resisting the civil authority shall be  
 53 punished as in case of felonious homicide; and if the person  
 54 charged with the offence, or any of those concerned with him in  
 55 resisting, be killed, in a place under the exclusive jurisdiction of  
 56 the United States, it shall be justified.

Second amendment, in lieu of the second section.

1 *And be it further enacted,* That whenever any process shall be  
 2 issued under authority of any state, for arresting any person  
 3 charged with felony, misdemeanor or breach of the peace, and  
 4 the person thus charged, shall be on board any vessel, in any  
 5 port, harbor or waters within the exclusive jurisdiction of the  
 6 United States, it shall be lawful for the officer, to whom such  
 7 process shall be directed to execute the same, within such juris-  
 8 diction, in the manner which may or shall be authorised and pre-

9 scribed by the laws of the state, under whose authority such  
10 process shall have issued.

1     *And be it further enacted,* That whenever any process shall  
2 be issued under the authority of any state, for arresting any  
3 person charged with felony, misdemeanor or breach of the peace,  
4 and the person thus charged shall be on board of any foreign  
5 armed vessel in any port, harbor, or waters of the United States,  
6 and the aid of the land or naval forces of the United States, shall  
7 be necessary to make the arrest, it shall be the duty of any officer  
8 having the command of any of the land or naval forces of the  
9 United States, in the vicinity, to aid the officer to whom such pro-  
10 cess shall be directed, in executing the same, with the force under  
11 his command, in such manner and under such regulations as shall  
12 or may be authorised and prescribed by the laws of the State un-  
13 der whose authority such process shall have issued. *Provided*  
14 *however,* That before any of the land or naval forces of the United  
15 States shall be called to aid in making such arrest, application  
16 therefor shall be made to a judge or justice of a court of the Unit-  
17 ed States, who may examine into the necessity thereof, and if he  
18 shall deem the assistance of any of the land or naval forces of the  
19 United States necessary to make such arrest, he shall issue his  
20 warrant directed to the officer having the command of such land  
21 or naval forces, directing him with the force under his command  
22 to aid and assist therein.

## Amendment in lieu of the fifth section.

1     SEC. 5. *And be it further enacted,* That whensoever any officer  
2     of an armed vessel commissioned by any foreign power, shall  
3     on the high seas or elsewhere, commit any trespass on any citi-  
4     zen or vessel of the United States, or any spoliation of the pro-  
5     perty of any such citizen, or any vexation of trading vessels actu-  
6     ally coming to or going from the United States, it shall be lawful  
7     for the President of the United States, on satisfactory proof of  
8     the facts, by proclamation forever to interdict the entrance of the  
9     said officer, and of any armed vessel by him commanded within  
10    the limits of the United States, and if at any time after such pro-  
11    clamation made, he shall be found within the limits of the United  
12    States, he shall be liable therefor, to be arrested, indicted and  
13    punished by fine and imprisonment, in any court of the United  
14    States having competent jurisdiction, and it shall be a part of the  
15    sentence that he shall within such time after the payment of his  
16    fine, and the expiration of his term of imprisonment, as the court  
17    shall direct, leave the United States, never to return. And if he  
18    shall return within the limits of the United States after the pas-  
19    sing of such sentence, or be found therein, after the period limited  
20    by the court as aforesaid, he shall again be liable to be indicted,  
21    fined and imprisoned at the discretion of the court. *Provided al-*  
22    *ways,* That if the said officer, shall also have committed any other  
23    offence made punishable by this act, he shall be liable to prosecu-  
24    tion and punishment, the provisions of this section, to the contrary  
25    notwithstanding.